



**Woburn City Council
City Hall
10 Common Street
Woburn, MA 01801**

Case Control Unit, Surface Transportation Board
Section on Environmental Analysis
1925 K Street NW
Washington, DC 20423
Attn: Ms. Phillis Johnson-Ball, Environmental Comments, Finance Docket No. 34391

August 17, 2004

Re: New England Transrail, LLC
Environmental Assessment, seeking to establish a
Class III rail carrier and construction of a bulk re-load center
At 51 Eames Street, Wilmington, MA 01887

To Whom It May Concern,

This letter concerns New England Transrail's recent filing to the Surface Transportation Board for an exemption to establish a Class III rail carrier and rail re-load center at 53 Eames Street in Wilmington, Massachusetts. We would like to state for the record that we are opposed to New England Transrail's proposal on several grounds.

1. The property at 51 Eames Street has been a major source of contamination for decades. Migration of contaminants to Woburn's watershed (Aberjona) is being monitored. Further investigation, remedial action and review by DEP, EPA and the Town of Wilmington is required to establish whether this property is suitable for redevelopment at this time (and whether the use being proposed is suitable for the site).
2. The Fire and Police Chiefs of both communities need a full proposal with site plans to determine whether these two communities are equipped to handle potential rail or trucking accidents involving containers of harmful commodities.
3. The proposal does not adequately address serious trucking issues raised previously in a letter from the Woburn City Council (June 18, 2003). Responding to our concerns, New England Transrail states in a letter to the Board (June 20th, 2003) that trucks will not use Route 38 in Woburn (a primarily, residential area) to access the interstate highways.

The Honorable Edward Kennedy, US Senate
The Honorable John Kerry, US Senate
The Honorable John Tierney, US House of Representatives
The Honorable Edward Markey, US House of Representatives
The Honorable Bruce Tarr, Mass. State Senate
The Honorable Robert Havern, Mass. State Senate
The Honorable James Miceli, Mass. House of Representative
The Honorable Charles Murphy, Mass House of Representative
The Honorable Carol Donovan, Mass House of Representative
The Executive Office of Environmental Affairs Secretary Ellen Roy Herzfelder
The Wilmington Town Manager, Michael Caira
The Wilmington Board of Selectman
Kathy Barry, President, Woburn-Wilmington Collaborative (14 Powder House Circle, Wilm.)
Mayor John C. Curran

4. They state that this is not a logical trucking route and that appropriate measures will be taken with customers to ensure that this route will not be used. Those measures were not specified in the proposal. Furthermore, in our experience, trucks accessing businesses in that area of Wilmington do use Route 38 in Woburn routinely, over our repeated objections. The volume of heavy trucks involved in this proposed operation would be unbearable for area residents should they traverse Route 38 in Woburn.
5. Noise generated from the proposed site will be a nuisance to residential neighborhoods in North Woburn. The location may be within an Industrial zone, but residential areas are close-by to the southwest.
6. Concern for emissions released daily from trucks entering and leaving the proposed site, construction and operating equipment and locomotive activity.

Given these objections we respectfully ask that the Board delay any action on this filing until the DEP, EPA, and both communities are satisfied that the environmental impact of this proposed rail and reload use is minimal. There are too many serious concerns left unaddressed at present for this proposal to move forward.

Thank you for your attention to our comments.

Sincerely,

William Booker

Paul Denato

Scott Galvin

Thomas McLaughlin

Paul Medeiros

John Cimello
Charles Doherty

Joanna Gonsalves

James McSweeney

Cc:
New England Transrail, LLC (843 Red Road, Teaneck, NJ 07666)



**COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500**

MITT ROMNEY
Governor
KERRY HEALEY
Lieutenant Governor

ELLEN ROY HERZFELDER
Secretary
ROBERT W. GOLLEDOGE, Jr.
Commissioner

August 25, 2004

Case Control Unit
Surface Transportation Board
1925 K Street NW
Washington, DC 20423

Attn: Ms. Phillis Johnson-Ball
Environmental Comments
Finance Docket No. 34391

Re: New England Transrail, LLC, d/b/a Wilmington and Woburn Terminal Railroad Co.

Dear Ms. Johnson-Ball:

The Massachusetts Department of Environmental Protection (DEP), Business Compliance Division has reviewed the Environmental Assessment, Finance Docket No. 34391 for the Wilmington and Woburn Terminal Railroad Co. Construction, Acquisition, and Operation Exemption and has the following comments.

The project consists of the acquisition and construction of a total of approximately 4,000 feet of track located on and adjacent to a parcel of land owned by Olin Corporation in Wilmington, Massachusetts. In addition, the applicant proposes to construct a reload facility on-site to facilitate the transloading of various commodities between truck trailers and rail cars. The list of commodities noted in the Environmental Assessment includes "construction debris", and "non-hazardous waste". Construction debris and non-hazardous waste are solid wastes that are regulated in Massachusetts pursuant to Chapter 111, section 150A of the Massachusetts General Laws and the regulations promulgated thereunder at 310 CMR 16.00, Site Assignment Regulations, and 310 CMR 19.00, Solid Waste Management Facility Regulations.

The Environmental Assessment makes it clear that construction and operation of the reload facility is "... not a matter subject to the Board's regulatory authority." The purpose of these comments is to make clear that if solid waste materials are to be handled at the reload facility, both the Department and the local Board of Health do have regulatory authority. Depending on how solid waste materials are handled at the facility both a Site Assignment and a Solid Waste Permit may be needed before the reload facility can be constructed and operated. In an attempt

This information is available in alternate format. Call Debra Delaney, ADA Coordinator at 617-292-5565. TDD Service: 1-800-296-1287.

DEP on the World Wide Web: <http://www.mass.gov/dep>
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to determine which, if any, solid waste materials will be handled by the facility and how they would be handled, the Department submitted comments on the project to the Executive Office of Environmental Affairs during the Massachusetts Environmental Impact review. Furthermore, DEP followed up by sending a letter, dated May 5, 2004, to the proponents of the facility asking for further clarification on these issues. As of this date, no response to that letter has been received by the Department.

To reiterate the Department's position regarding the transload facility, if the proposed operation will be transferring construction and demolition debris, non-hazardous solid waste, or any other solid waste material, from one vehicle or container to another vehicle or container the project will require further review by DEP for compliance with applicable solid waste regulations. Depending on how solid waste materials are transferred and/or stored, such review may result in a determination that the activity must obtain a Solid Waste Site Assignment from the local Board of Health and a Solid Waste Permit from the Department. As stated in DEP's comment letter to EOEHA dated November 28, 2003, for a truck-to-rail operation to be exempt from the solid waste regulations the following must occur:

- Only closed containers of solid waste may be transferred from trucks to railcars.
- Uncontained solid waste is not unloaded, stored or transferred during the operation.
- Regularly scheduled departures of trains loaded with waste containers must occur. The frequency of a departure may be variable depending on the material handled and the potential for nuisance conditions.
- The operation shall not result in the generation of nuisance conditions, including but not limited to, odors, dust, noise, vectors, etc.

The Department still seeks clarification from New England Transrail on the types of solid waste materials to be handled by the proposed facility, if any, and clarification on how those solid wastes will be stored and/or transferred. If solid wastes are proposed to be handled at the facility in any manner other than as described above for an operation that would be exempt from the solid waste regulations, then there may be environmental impacts from noise, dust, odors and stormwater management that will need to be specifically addressed by the applicant and considered by SEA in its final Environmental Assessment decision.

Thank you for the opportunity to comment on this proposed project.

Sincerely,

Steven A. DeGabriele
Steven A. DeGabriele
Director
Business Compliance Division

Cc: James Doucet - DEP
James McQuade - DEP
John Felix - DEP

Mr & Mrs Raphael C George
50 Forest Park Road
Woburn, MA 01801

RECEIVED
SEP 8 2004
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MANAGEMENT
SIS

August 29, 2004

Case Control Unit, Surface Transportation Board
Section on Environmental Analysis
1925 K Street, NW
Washington, DC 20423

Attn: Ms Philis Johnson-Ball
Environmental Comments
Finance Docket 34391

Dear Madam:

As residents of the City of Woburn, Massachusetts please note that we are strongly opposed to the Olin Chemical proposal because of the noise, trucks, emissions and contaminant handling it will produce in a heavy residential area which has already had many, many problems with contaminants in our soils and water.

Please do not push this proposal forward.

Very truly yours,

Raphael & Roberta George
Raphael and Roberta George

Case Control Unit Surface Transportation Board
My husband and I are
opposed to this proposal, due to the
noise, trucks, emissions and con-
taminant handling it will produce.
We can't allow this to happen!

Sincerely,

Ruth McShaffrey
Charles McShaffrey

To whom it may concern:

Oppose Olin Plan.

Olin Chemical Site
Eames Street
Wilmington, Mass

In regard to the above:
I am against this proposal
due to the noise, trucks,
emissions, and contaminant
handling it will produce.

N. Albert Galante
4 O'Neil Road
Woburn, Ma.
01801

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SEP 8 2004
W-1
MANAGEMENT
SIS

Attn: Ms. Phillis Johnson-Ball
Environmental Comments -
Finance Docket No. 34391

I am against this
proposal due to the noise,
trucks, emissions & contamination
handling it will produce.

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SEP 8 2004
W. L.
MANAGEMENT
SIB

Sincerely
John J. Frackleton

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Aug 26, 04

I am against this proposal due to
the noise, trucks, emissions, and contamination
handling it will produce.

Mrs. Rose Bumarason
4 Bronislaw St.
Dorham, Mass. 01801

RECEIVED
SEP 8 2004
W. L.
MANAGEMENT
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Surface Transportation Board Incoming Correspondence Record

#E1-989

Recorded by: Phillis Johnson-Ball on 08/31/2004			
* Required Fields *			
Docket #	FD 34391.0	Affiliation	Self / Individual
Name of Sender	John J. Frackleton	Letter Type	
Group		NEPA Type	
Attention Of	Phillis Johnson-Ball	In Public Docket?	Yes No
Date Received	08/31/2004	Phone Number	978-658-8567
Date of Letter	08/31/2004	Email Address	jfrackleton@lird.com
Group's Address	22 Towpath Drive	Group's Zip Code	01887
Group's City	Wilmington		
Group's State	MA		

Subject: Proposed Transfer Station at Olin Chemical Site, 51 Earnes Street, Wilmington, MA

I am writing to express my concern that the subject site is being considered as a location for rail to truck transfer station. This location is a well-known toxic waste site and has already severely affected our resident's health and caused over 75% of our town wells to be closed. The site has become "high profile" and may soon be added to the Superfund list. Considering that the materials proposed for storage and transfer pose a real threat to further contamination of the site that any development will impede the cleanup of the site, I respectfully request that the Surface Transportation Board reject all requests for such a facility at this site.

John J. Frackleton



BRADLEY H. JONES, JR.
STATE REPRESENTATIVE
MINORITY LEADER

The Commonwealth of Massachusetts
House of Representatives
State House, Boston 02133-1034

20th MIDDLESEX DISTRICT
READING • NORTH READING
LYNNFIELD • MIDDLETON
ROOM 124
TEL (617) 722-2100
Rep.BradleyJones@hou.state.ma.us

August 26, 2004

Attn: Ms. Phillis Johnson-Ball, Environmental Comments
Case Control Unit
Surface Transportation Board
1925 K Street NW
Washington, DC 20423

Re: Finance Docket No. 34391: New England Transrail, LLC, d/b/a
Wilmington & Woburn Terminal Railway Co. - Construction, Acquisition
and Operation Exemption in Wilmington and Woburn, MA

Dear Ms. Johnson-Ball:

Thank you for this opportunity to submit comments relating to the Environmental Assessment your office prepared in the above-captioned matter.

I represent the 20th Middlesex District in the Massachusetts House of Representatives. My district includes a substantial portion of the Town of Reading, which borders the Town of Wilmington and City of Woburn, and is located very close to the proposed construction site. Normally I would not presume to comment on a project such as this which is located outside of my district. However, I feel compelled to do so in this case out of concern the anticipated effects of a reload facility in Wilmington could extend beyond the borders of that town and could be detrimental to the area I represent and the people who live there.

Having represented portions of the Town of Reading for over 10 years I am well aware of the linkages Reading has with other communities, including Wilmington and Woburn. Some connections are structural, such as Interstate Route 93, which passes through all three communities. Reading and Woburn also share the interchange between Route 93 and Route 128, which is one of the busiest traffic areas in Massachusetts. Other ties are natural, such as the shared interest the towns have in the Aberjona/Mystic, Ipswich and Saugus River Water Basins. And some connections are social, including the communities' common visions for planning and preservation. What is important for purposes of this project is that all of the afore-mentioned links are relevant to the development of a rail reload facility in Wilmington. Because of the ties between the communities, it is entirely reasonable to assume certain consequences of the proposed project would be felt in some form and to some extent by all three municipalities.

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It is because of the shared interest of the several towns that I was surprised to see the Town of Reading was not included on the distribution list for the Environmental Assessment. I am worried officials in Reading have not had an adequate opportunity to educate themselves as to the proposed scope and consequences of the rail reload facility and to submit informed comments to you. The proposed project should not go forward unless and until affected communities are fully aware of its consequences and have ample opportunity to provide input on matters of concern to them. For those reasons, I respectfully request that the Surface Transportation Board extend the period for comment in this matter by a period of 60 days and notify officials in abutting communities (including the Town of Reading) of their opportunity to obtain information and submit comments concerning this project.

Please also allow me to submit for your consideration the following substantive comments about the proposed project.

According to the Environmental Assessment, the proposed action threatens to generate between 200 and 400 truck trips per day to the reload facility. The truck trips would involve a mixture of 30 foot trucks and 18-wheel semi-tractors. Some trucks would access the facility via Interstate Route 93 while others result from local traffic. In total, the assessment predicts an increase in average daily traffic on adjacent roadways of between three and five percent. It is further admitted the project will involve a "short-term negligible impact on air quality" and the transport of "small quantities of propane", which is a sensitive if not hazardous material.

Given those and other findings contained in the Environmental Assessment I find it difficult to agree with its conclusion that the community risks associated with the project will be insubstantial. In contrast, I worry any increase in local traffic and environmental hazard would have a profoundly negative effect on area residents. Several factors in particular draw me to that conclusion.

Over the past year I have participated in meetings of state, local and community leaders to study the impact of the I-93/I-95 interchange on area towns. Those discussions have made us all acutely aware of the substantial congestion and public safety issues now existing at the interchange. The cloverleaf poses a severe traffic problem for area residents every day, due in no small part to the volume of trucks using it. Aside from the traffic inconvenience, drivers and analysts have complained of the sharp radius and slope of ramps which could make the intersection potentially hazardous to trucks. Unfortunately, the interchange has been the site of overturned commercial vehicles in the past, some of which hauled sensitive cargo.

It seems reasonable to conclude a project which would add up to 400 trucks per day to Route 93 in its initial stages would exacerbate current problems. Residents potentially would be harmed by increased traffic congestion and the risk of hazardous material incidents. First responders in the Town of Reading also would have to cope with such threats without any added support. Unfortunately, there appears to be nothing in the Environmental Assessment to reassure the town against such eventualities or to mitigate such problems should they occur.

Residents of Reading have a long history of being concerned about environmental contamination, some of it caused by trucking. For example, the town was the site of a tragic accident in the mid-1990's where a gasoline tanker overturned on the highway and spilled a large part of its cargo into a wetlands area servicing the town's municipal drinking supply. Cleanup from the accident took a number of years and had a severe impact on the town's conservation and wetlands resources. Reading also is located adjacent to the City of Woburn, which is home to several seriously-contaminated Superfund sites which have plagued residents for years and had subsidiary effects on those residing in Reading.

With that in mind, Reading residents have long objected to the number of large trucks and commercial vehicles passing through residential neighborhoods. Those protests have caused several "no-trucking" exclusions to be posted on local roads. Most recently, my office worked closely with officials at MassHighway and community leaders to enact a truck exclusion on West Street in Reading in late 2003. The exclusion is both a reflection of the residential and historic character of the neighborhood and a response to profound concerns for public safety.

I appreciate the work the Surface Transportation Board has done to research this issue and the thoughtful analysis contained in the Environmental Assessment. However, in my opinion, the proposed action could be harmful to the community by substantially increasing the risk of problems due to traffic and environmental hazard. It also would reverse recent improvements the town has made in terms of traffic flow and congestion. Unfortunately, the Environmental Assessment fails to address such issues from the perspective of residents in Reading and contains nothing in the way of mitigation or assurances for those citizens. It also ignores the possibility of future expansion at the site which could increase the risk of harm.

As your organization weighs whether and under what conditions to allow this project to go forward, I would encourage you to give added deliberation to some of these factors and to do as much as possible to protect local residents from unintended consequences associated with the load facility. It seems to me the best way to start doing so would be to extend the comment period for at least 60 days and solicit input from community leaders in the best position to assess those consequences.

I appreciate the opportunity to express these sentiments to you and hope they will be helpful in your regulatory process. Should you wish to discuss this issue further with me, or should my office be in a position where I could assist you with your efforts, please do not hesitate to contact me. Thank you for your attention to these comments.

Very truly yours,

Bradley H. Jones, Jr.
Ministry Leader

cc: Peter Hechenbleikner, Town Manager



City of Woburn, Massachusetts
Law Department

THOMAS W. LAWTON
City Solicitor

City Hall
10 Common Street
Woburn, MA 01801
Tel (781) 932-4425
Fax (781) 932-4428

JAMES E. FELD
Assistant City Solicitor

September 7, 2004

Case Control Unit
Surface Transportation Board
1925 K Street N.W.
Washington, DC 20423
ATTN: Ms. Phillis Johnson-Ball

Re: Environmental Assessment For New England Transrail, LLC
Finance Docket Number 34391

Dear Ms. Johnson-Ball:

Enclosed please find one original copy of the City of Woburn, Massachusetts Environmental Assessment of New England Transrail. I thank you in advance for your anticipated cooperation regarding this matter.

Please feel free to contact this office should you have any questions or concerns.

Very truly yours,

Thomas W. Lawton

TWL/b

cc: John C. Curran, Mayor
John Ciriello, Alderman Ward 6

Before the

SURFACE TRANSPORTATION BOARD

Finance Docket No. 34391

NEW ENGLAND TRANSRAIL, LLC, d/b/a WILMINGTON AND WOBURN
AND WOBURN TERMINAL RAILROAD CO. CONSTRUCTION,
ACQUISITION, AND OPERATION EXEMPTION

ENVIRONMENTAL ASSESSMENT

The City of Woburn in 1979 shut down two municipal drinking water wells, G and H, which drew water from the aquifer underneath the Aberjona River. These wells were shut down, and remain so, due to the presence of carcinogens in the domestic water supply. Further investigation revealed that the presence of contamination was widespread.

These events formed the basis of the novel A Civil Action by Johnathan Harr (1986), Vintage Publications which detailed the human loss of Woburn residents from the tainted water. In 1983 the area to the north of G and H wells, known as the Industripex was identified as a Superfund site. The remediation work on this site has been nothing short of extraordinary. The Superfund site is just hundreds of yards south from the Olin site and remedial work continues to this very day. Twenty years have passed and testing continues to this very day.

In the spring of 2002 the E.P.A. announced a plan to merge and expand the G and H well site and the Superfund site. This expansion was part of an effort to test water and soil samples from the Aberjona River to "evaluate the nature and extent of contamination and assess its potential threat to human health and the environment". The map on page one of Exhibit 1 depicts the "Industripex and Wells G and H Superfund Site Study Areas"; this study area is contiguous to the Olin site. In addition thereto the "North Pond", which is a recent study addition to the Olin site, (Exhibit 2) predominately is located in Woburn and is a part of the Industripex and Wells G and H Superfund Site Study Area. This expansion of the Industripex and Wells G and H Superfund Site Study area is an obvious decision by the E.P.A. to locate additional sources and determine the extent and nature of contamination. The fact that the North Pond is an area that both Olin and the E.P.A. have identified as a contamination source is indicative of the expansion of contamination from both sites.

In response to comments from the Town of Wilmington (Exhibit D), question #2, the applicant relies on findings of GEI Consultants Inc. "As summarized in documents and reports submitted to MADEP in accordance with the Massachusetts Contingency Plan it was determined that "recharge to the groundwater at the property contributes principally to the Aberjona River Drainage Basin". While this fact addresses the legitimate concerns of the officials of the Town of Wilmington it does nothing to placate the greater concerns

of the City of Woburn. It needs to be determined whether the ground water from the Olin site is flowing towards the Aberjona River in Woburn. It is the position of the City of Woburn that NDMA tainted water may be entering the city's groundwater. This contention is buttressed by the Environmental Assessment submitted by Transrail.

"Historically, the Town of Wilmington obtained most of its drinking water from groundwater supply wells within the Ipswich River Drainage Basin and specifically the Maple Meadow Brook Aquifer (MMBA), which is located west of the Olin property. Several drinking water wells in the Wilmington area have been found to be contaminated due to past migration of contaminants from the Olin property. The use of water supply wells in the MMBA was suspended in March 2003, due to the discovery of a contaminant linked to the historic release of large quantities of industrial wastewater at the Olin property. Wilmington currently receives its water supply from the Massachusetts Water Resources Authority. The site of the proposed Transrail use is located in the Town of Wilmington Groundwater Protection District (GWPD). The GWPD established bylaws detailing permitted uses within the area. Because the Proposed action is on property partially located within the mapped GWPD, the Applicant would not transfer or handle any commodities that are prohibited in the GWPD. Thus, SEA determined that the Proposed Action would not have an adverse impact on drinking water sources within the MMBA" and has decreased the volume of contaminated groundwater discharge into surface drainage areas. It is unclear what percentage of the contaminated groundwater is not being contained but from the City's perspective any amount is unacceptable.

The City of Woburn further argues that with the cessation of five municipal wells in Wilmington, this condition may well be detrimental to the City. If a substantial amount of water is no longer being drawn from the aquifer, might a corresponding amount of water now be flowing towards the Aberjona River Basin? Might the material (NDMA) detected in the water at the Wilmington Municipal Wells now be migrating towards Woburn with the NDMA contaminants present? The letter of May 9, 2003 from the MWRA confirms the existence of the contaminant in the well water. (Exhibit 3)

In the Conditional Approval letter from the Massachusetts D.E.P. dated April 29, 2003 (Exhibit 4) the proposed scope of work on the "North Pond" is articulated. It is obvious that the drainage ditch which traversed from the Olin property more than likely contains contaminants that were found on the Olin property. The report the D.E.P. on page two under Conditional Approval opines, "Data, along with historical groundwater information from the study area, must be used to determine if groundwater contamination is migrating in shallow and deep groundwater beyond the East Ditch toward the Southeast". This area is currently part of the on-going Industri-plex and Wells H and H Superfund Site Study area.

Footnote 16 of the Environmental Report of Transrail concerns the presence of NDMA in the municipal drinking water wells which were taken off line when the presence of the carcinogen was detected. This discovery occurred some years after the Olin site was identified as contaminated.

"NDMA is a carcinogen. Since detection of NDMA in the groundwater on the Olin property, phase 11 assessment activities have re-commenced. It should be noted that the original Focused Risk Assessment was completed prior to the detection of NDMA and

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the property which they were obviously obligated to do does not mean that their conduct of the past twenty years should be rewarded by allowing this proposed use and eventual sale of the property.

The City of Woburn respectfully argues that the intentional omission of any and all references to the Superfund Site whose northernmost border lies within several hundred yards of the Olin property is a critical intentional omission. The Aberjona River which collects surface water from most if not all of the areas surrounding and including the Olin property. It appears that the "so called" North pond is an area that is already in the merged Superfund Site and is being evaluated by Olin under the direction and approval of the D.E.P. The City of Woburn argues that no development or construction should occur on that Olin Property site until the cause of the presence of NDMA in the Wilmington municipal well field is ascertained. The City of Woburn argues further that cessation of the five municipal wells may have again changed the migratory pattern of the contaminants possibly to the detriment of the City of Woburn.

TRAFFIC IMPACTS

As proposed the environmental impacts on the City of Woburn will be most significantly be increased truck traffic and associated impacts. There are two major interstate highways within a relatively short distance from the proposed site. Chapter 3 Affected Environment considers the environmental impacts on the local roadway infrastructure. Table 3.2 projects increases in three intersections which will bear the brunt of the increased truck traffic. Two of the intersections currently are graded "F" under level of service (LOS), "A" being the highest grade and "F" the lowest grade. Thus two of the intersections are already performing at unacceptable levels. Yet in Chapter 4, Environmental Impacts the report concludes the "Proposed Action would not result in significant impacts on local or regional transportation." The City of Woburn argues that this is due to the fact that the affected intersections could not be downgraded because they are currently graded at the worst level.

The City of Woburn in a prior submittal to the surface transportation Board voiced an objection to this project because of anticipated increases in truck traffic on Route 38. The applicant proposes to instruct all "customers" that their "drivers must approach/depart the reload facility from/ to the east, and not to use Route 38 to the west, except for local deliveries."

The City of Woburn argues that this type oversight is inadequate and that during heavy traffic periods trucks will use Route 38 when their destination is southerly. It also provides an escape for anyone who has a local delivery.

The effects on the local road system is also inadequate because the consequences of this proposed use in the I-93 and I-95 intersection are omitted. This interstate intersection carries the highest traffic in the state and is currently being studied for proposed expansion. This is due to the fact that the current interchange is dangerous and cannot safely maintain the volume of traffic which currently backs-up the entrance and exit ramps. This condition creates safety hazards which are well documented. The failure to factor the proposed increase on the interstate interchange is an omission of grave consequence. The City of Woburn urges the applicant conduct farther traffic

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risks associated with this contaminant were not evaluated. Evaluation of potential Imminent Hazards associated with the presence of NDMA in various media on and off the Olin property was completed as part of an Immediate Response Action (IRA). No imminent hazards associated with NDMA were identified for receptors on or off the Olin property. The USEPA and DEP are completing a contaminant of concern study, that involves analysis of samples to determine the presence or absence of an expanded list of analytes (chemical compounds). The purpose of this study is to identify any additional contaminants that might not have been analyzed for during the earlier portions of the Phase II Comprehensive Site Assessment."

The City of Woburn poses the question if this known carcinogen escaped detection for years while an environment clean up was being contemplated and had proceeded for a number of years is, it not premature to propose a new use on land what may require additional testing? The USEPA and DEP are completing studies, why would authorities consider re-use of property when the nature and extent of the contamination remains unknown, the studies are still incomplete.

This further accentuates the need for further environmental study. The City of Woburn has legitimate concerns whether the NDMA in the groundwater in Wilmington has begun to migrate towards Woburn.

Recently the Massachusetts Department of Environmental Protection issued on July 2, 2003, a notice in regards to Tier 1A Disposal Sites. (Exhibit 2) This notice was in effect announcing that the vast majority of these sites would no longer receive comprehensive monitoring. However, due to what the City of Woburn would argue is the very serious and extensive nature of the contamination of the Olin site the department has elected to continue the present aggressive pattern of oversight. The notice provides in part, "The purpose of this letter is to provide you with that written notice and specify that all activities completed at this site will still require oversight and approval by the department". The City of Woburn argues that this is indicative that the department regards this site much more significant than other comparable Tier 1A sites.

On Saturday August 24, 2004 the Lowell Sun reported that the state was contemplating transferring oversight to the affected property to the E.P.A. According to the article, the state is proposing to transfer Chemical site to the federal Environmental Protection Agency, a move that could land the site on the Superfund National Priorities List." It is the position of the City of Woburn that the entire area should be grouped into a comprehensive site to more effectively monitor and remediate the extensive and quite possibly still migrating contamination. Surely if the MADEP considered this matter drawing to a final outcome they would not entertain transferring jurisdiction.

It is the position of the City of Woburn that a far more extensive environmental report be conducted to determine the advisability of permitting any entity on to the Olin property to begin construction or allow any disturbance to the land. The City of Woburn had endured over twenty years of capping and testing at the Superfund Site because of the presence of contaminants. The mere presence of contaminants to the immediate area north of the Superfund Site and contiguous to the now suspected contaminated North Pond at the Olin Site should preclude any proposed use at the Olin property, let alone a potentially very hazardous use. Just because Olin has initiated environmental clean-up of

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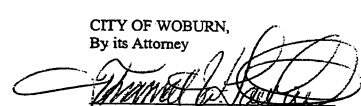
studies concentrating on the impact the increased truck traffic would have on the interstate interchange located in Woburn.

CONCLUSION

This proposed use is in fact premature. Since detection of NDMA did not occur for years while remedial contamination work ensured the City of Woburn urges caution be employed. This is an extremely complex site which should undergo more extensive testing prior to any new use being established. The truck traffic impacts alone are sufficient to warrant further environmental review. The traffic analysis did not study any impacts of interstates I-93 and I-95 and their respective interchanges which are now to be insufficient and dangerous.

For all these reasons the City of Woburn urges a more comprehensive environmental assessment be performed. The comment that is being submitted is within the extension period ending September 10, 2004.

CITY OF WOBURN,
By its Attorney


Thomas W. Lawton, BBO#653418
City Hall - 10 Common Street
Woburn, MA 01801
(781) 932-4425

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GEORGE ROONEY

WILMINGTON, MA

August 27, 2004

To: Phillis Johnson - Ball Environmental Project Manager, Surface Transportation Board

Sub: Olin Chem Proposal Finance Docket No 34391

(Woburn-Wilmington Ma)

I am against this proposal due to the noise, trucks, emissions, and contaminants handling it will produce.

Thank you

G F Rooney



JAMES R. MICELI
REPRESENTATIVE
19TH MIDDLESEX DISTRICT
TEWKSBURY - WILMINGTON
TEL (978) 856-9797

The Commonwealth of Massachusetts

VICE CHAIRMAN
HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133-1054



House Committee on Rules
ROOM 187, STATE HOUSE
TEL (617) 722-2692
FAX (617) 722-2846

August 25, 2004

Case Control Unit, Surface Transportation Board
Section on Environmental Analysis
1925 K Street NW
Washington, D.C. 20423

Attn: Ms. Phillis Johnson- Ball, Environmental Comments, Finance
Docket 343391

Re: New England Transrail, LLC
Environmental Assessment, seeking to establish a Class III rail carrier
and construction of a bulk re-load center at 51 Eames St. Wilmington,
MA

To Whom It May Concern:

I was elected as a state representative in 1977, and I have represented the town of Wilmington in the Massachusetts legislature since that time. Prior to my election to the legislature, I served the town as Chairman of the Board of Selectmen, and before that as a member of the Wilmington Planning Board. The only reason I mention my experience is to demonstrate my intricate knowledge of the environmental and public health issues the Town of Wilmington will continue to face until all of the outstanding issues are addressed.

As you know, this site has been designated as a Tier 1 site, the worst possible listing by the state Department of Environmental Protection regarding contamination. It is also one of the most complicated sites that the Massachusetts Department of Environmental Protection (DEP) has attempted to address. The DEP has initiated the process to get

this site designated as a National Priorities List (NPL) site by the Federal Environmental Protection Agency. The reason the DEP requested the listing is they have been unable to reach a strategic agreement with Olin Corporation to clean up the excessive groundwater contamination at the site.

The discovery of n-Nitrosodimethylamine (NDMA) has forced the community to close down 5 of the public water supply wells in the Maple Meadow Brook Aquifer. These wells have been closed down indefinitely, and they comprise 60% of the town's water supply. Many other chemicals of concern have been identified at this site, but many more remain unidentified.

Prior to the closure of these wells due to contamination, the Bureau of Environmental Health Assessment of the Massachusetts has been conducting a public health study in The Town of Wilmington, at my request. This study was initiated to determine an environmental etiology of abnormally high incidences of childhood cancers including Brain Tumors, Hodgkin's and Non-Hodgkin's Lymphoma and Leukemia. In addition to the DPH study, I also petitioned the Agency for Toxic Substances and Disease Registry (ATSDR) to conduct a distribution study to determine the extent of the exposure, as well as the history if possible.

I am **vehemently opposed** to New England Transrail's proposed project. I am absolutely aghast at the statement in the Decision Summary of the Notice of Availability of Environmental Assessment and Request for Comments that states, "Based on all information provided from all sources to date and its independent analysis, SEA preliminary concludes that the Proposed Action would have **no significant environmental impacts** if the Board imposes and the Applicant implements the environmental mitigation conditions recommended in the EA." The property at 51 Eames St, where the applicant has proposed for this development is an absolute cesspool.

The residents have been exposed to numerous health and environmental hazards and this project will only exacerbate the problem. New England Transrail will not even commit to the types of products it will be transferring and transporting. They have submitted an "expected list," but also stated within the document that the items that may potentially be transported are not limited to those in the list.

The National Environmental Policy Act of 1969, which I believe you are governed by, specifically states the intention of Congress in Section

101 [42 USC 4331] (b) 2. to "assure all Americans safe, helpful, productive and aesthetically and culturally pleasing surroundings." **SAFE, HELPFUL and PRODUCTIVE.** How does this project provide a safe environment for my constituents and neighbors in Wilmington? It does not. It puts the residents at incredible risk. In some instances, we do not even know the extent of the risk.

Allowing this transfer station to proceed is irresponsible and negligent. How can we know how the chemicals on site will react to those transported and transferred from rail to trucks?

I propose that this project be immediately stopped.

The residents of Wilmington and Woburn have suffered enough due to past mistakes. Do not exacerbate the problem by allowing this project to proceed. Wilmington and Woburn have already had their share of environmental and health disasters. Our children and residents deserve to opportunity to live without fear of continuing environmental exposure.

Before deciding on this issue, I implore you to think about the people your decision will affect. Please take into consideration all the comments from the Towns of Wilmington and Woburn and their residents.

We have suffered too long. Please do not approve this project.

The Town of Wilmington has already become an environmental disaster area.

If you have any further questions or concerns, please do not hesitate to contact me at (617)722-2692.

Yours truly,

James R. Miceli
JAMES R. MICELI
Vice Chairman

c.c. Andrew Card, Chief of Staff, President of the United States of America, 1600 Pennsylvania Avenue NW, Washington DC 20500

Senator Edward Kennedy, Room 315 Russell Senate Office Building, Washington, D.C. 20510

Senator John Kerry, Room 304 Russell Senate Office Building, Washington, D.C. 20510

Congressman John Tierney 120 Cannon Office Building Washington, D.C. 20510

Gary Barrett, Director of District Office, Congressman John Tierney's Office 17 Peabody Sq. Peabody, MA 01960

Selectwoman Suzanne Sullivan, 60 Lawrence St., Wilmington, MA 01887

Kathleen Barry, President, Concerned Citizens Network, 14 Powderhouse Cir., Wilmington, MA

Debra Duggan, Hillcrest St. Wilmington, MA 01887

August 31, 2004

Case Control Unit, Chief
Surface Transportation Board
1925K Street NW
Washington, D.C. 20423
Attention: Ms. Phillis Johnson-Ball

Dear Ms. Johnson-Ball:

RE: OLIN CORPORATION
51 Eames Street, Wilmington, MA
STB Filing (New England Transrail)
Finance Docket # 34, 391

PUBLIC COMMENT PERIOD
by 9/3/04

While I am no expert, my feeling of "environmental justice" would be that "no community - regardless of income (good or bad) should have to suffer more than their fair share of environmental impacts than any other area (census tract) in protection of public health; and that the protection of public health (and the health-care system) should take first priority.

As you note and are aware, the air quality is already poor in the county due to vehicles, industries, and locomotives and "serious". Maybe more so in our community. This proposed action is an added "assault" to the residents who helplessly have had little control over the "cumulative" toxins in this area from current land use of industry and releases allowed to be emitted into the air. The history is clear.

*Cumulative Air Quality Testing should be independently done to determine any detriment to the public, specifically in this South Wilmington Industrial area.

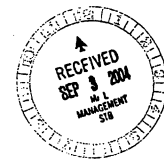
For the Global warming issue, several companies in South Wilmington have been targeted by the EPA.

.....Only with a factual full-scale testing can you know what any added toxic concentrations from the proposed action would result in, and whether it would be safe.

*Traffic does not flow freely throughout the area - there are many failed intersections.

The proposed 400 trucks a day added with the addition of a rail line; and then adding a land-use of this magnitude is incomprehensible for our suburban town that is still rich in natural resources and people.

*Woburn Street is zoned "residential" with "school Bus stops" for area children.



*There is no buffer zone between this industrial area and residents in direct proximity.

*Noise issues from this proposal will degrade the quality of life for area residents.

*Seismic activity is known to influence migrations of contaminants. Further migrations of contaminants would further degrade the surrounding ecosystem.....with billions of gallons of chromium in the ground, an operation of this magnitude is detrimental.

NDMA is the contaminant identified that closed our drinking water wells (temporarily we hope). Country-wide millions of dollars have been spent in identifying transport and fate of this contaminant - a class of nitrosamines for treatment.

*Proposed actions at this site will, and has, ultimately impacted areas within and beyond the site; and the state has now turned this site over to the EPA's National Priority List because Olin has been unwilling to deal faithfully with the DEP (MA Department of Environmental Protection Agency) and meet its obligations.

Olin is known country-wide & for its role in original "Superfund" through its court empowered legislation for "those that do not fulfill their obligations for protecting public health or the environment".

*From a simple google-search - Olin is also in the rail car business.

*This contaminated site is of such magnitude that the DEP has divided it into sections for clean up; in dividing the site into 5 sections, remember each area will impact the other And - no RAM in part for the "site as a whole" should be used for re-development. The site in its "entirety/cumulatively" must be looked at prior to accepting any development proposal. Hence the need for an environmental impact report both on and off property caused from this location; and what will truly improve, and protect conditions for the health of our community and beyond.

*There is a "fault" located on the site (or pathway if you will) called "Bloody Bluff's Fault". If this project is not scrutinized with the utmost optimal action you can take and denied, blood may be on all our hands.

Healthy communities make for a healthy commonwealth, and a safer health-care system.

Respectfully submitted,

Deborah L. Duggan

Deborah L. Duggan
Credited by DEP for identifying NDMA (and treatment)
11 Hillcrest Street
Wilmington, MA 01887
(978)657-7127

enclosure: DEP request to EPA - for this record.

Congress of the United States
Washington, DC 20515

September 1, 2004

Case Control Unit
Surface Transportation Board
1925 K Street NW
Washington, D.C. 20423

Re: Finance Docket No. 34391 - Environmental Comments

We write to comment on the Environmental Assessment pertaining to the request of New England Transrail, LLC, d/b/a Wilmington and Woburn Terminal Railroad Company (W&WTR) for a construction, acquisition and operation exemption for a rail reload facility in Wilmington and Woburn, Massachusetts. We have twice previously voiced our concerns regarding this proposed project and we enclose copies of our letters dated July 11, 2003 to Mr. Vernon Williams and October 29, 2003 to Mr. Neil Sullivan.

We are extremely disappointed that the Surface Transportation Board's (STB) Section of Environmental Analysis (SEA) has concluded that an Environmental Assessment is appropriate and the full Environmental Impact Statement process is unnecessary in this proceeding. We would urge the Board to reject that recommendation and issue a full Environmental Impact Statement for public review and comment.

As we pointed out in our previous correspondence regarding this project, the parcel of land on which the project is proposed has a long and sordid history of environmental degradation and chemical contamination. Concerned citizens from Wilmington and abutting Woburn have exhaustively catalogued the long-standing and pervasive contamination on the site. Indeed, the discovery last year of nitrosodimethylamine (NDMA) on the site has resulted in the closure of five of the nine drinking water wells in the Town of Wilmington - 60% of the town's public water supply. The Massachusetts Department of Environmental Protection (MADEP), which has been actively involved at the Olin site since 1986, has long been engaged in negotiations with Olin Corporation on a strategy to aggressively clean up the extensive groundwater contamination at the site and has been unsuccessful in reaching an agreement on either the scope or the rate of the necessary cleanup. Accordingly, MADEP has notified the U.S. Environmental Protection Agency (EPA) of its desire to initiate the process of listing the Olin Chemical Site in Wilmington, Massachusetts as a National Priorities List (NPL) site. According to MADEP Section Chief Stephen M. Johnson's August 23, 2004 letter to EPA (copy attached), "DEP believes that the NPL listing is the best way to ensure that the most effective cleanup technologies available are applied in a timely manner to attempt to remediate the Olin site, in light of the complexity, cost and resources that will be necessary to complete the project."

Extensive ongoing monitoring of test wells is underway to determine the content, concentration, location and movement of contaminants at the site, but actual mediation steps, for the most part, have not been established. Conducting a rail reload operation on this site introduces the prospect of additional contamination from unintended spills, complicating efforts to understand the breadth of contaminants already present in the groundwater, how those contaminants are operating independently of each other and how they are interacting. Any redevelopment of the Olin site must be deferred until the full extent of the existing contamination has been determined and a comprehensive and timely remediation plan is in place.



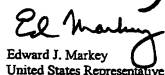
We would also like to comment on one other conclusion in the Environmental Assessment(EA), having to do with the potential addition of four hundred truck trips daily to the proposed reload facility. According to the EA, a combination of 30-foot trucks and 18-wheel semi-tractors would undertake these trips. The Section of Environmental Analysis concluded that "the addition of up to 400 trucks per day would not degrade the current and forecast Level of Service (LOS) at the affected intersections near the Olin property." The logic of that analysis escapes us. The intersection at Eames Street and Woburn Street in Wilmington is currently operating at a LOS F, characterized by congestion and extensive delay. Current truck traffic traveling north on Woburn Street and making a left onto Eames Street to reach Route 38, or truck traffic traveling north on Eames Street to make a right turn onto Woburn Street south must negotiate a hairpin turn. Large trucks, including the 18-wheel semi-tractors referred to in the EA, must cross the centerline of both streets (and be temporarily in the lane of oncoming traffic) in order to make the turn. How can one possibly conclude that an additional four hundred trucks per day would not further degrade the level of service on these streets?

New England Transrail should not be allowed to exacerbate existing traffic safety problems at an intersection that is already characterized as failing. While the applicant has stated that non-local traffic would be required to avoid Route 38, and potentially the Woburn/Eames Street intersection, in practice truck operators unfamiliar with the area will use the intersection. Presumably enforcement of any company imposed "truck exclusion" will be left to the local police department, which cannot be expected to devote limited personnel and resources to monitoring this intersection at all times.

For these reasons, as well as for others that we know will be raised in comments by citizens and local officials in Wilmington and Woburn, we once again strongly urge the Surface Transportation Board to reject the recommendation of the Section of Environmental Analysis and insist that a full Environmental Impact Statement be issued for public review and comment; and that all environmental issues be fully addressed and mitigated before any construction is allowed to begin.

Sincerely,


Edward M. Kennedy
United States Senator


Edward J. Markey
United States Representative


John F. Kerry
United States Senator


John F. Tierney
United States Representative

**C.C.N.
Concerned Citizens Network**

14 Powder House Circle
Wilmington, MA 01887
978 658-7754



Ms. Phillis Johnson-Ball
Case Control Unit
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423

September 1, 2004

Re: Environmental Comments, Finance Docket No. 34391

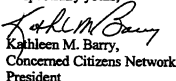
Dear Ms. Johnson-Ball,

Enclosed are letters signed as a petition and as an expression of opposition to the Section of Environmental Analysis of the Surface Transportation Board's decision to grant a conditional exemption to New England Transrail, LLC, dba Wilmington and Woburn Terminal Railroad Co. for construction, acquisition and operation in Wilmington and Woburn, Massachusetts.

These residents ask that the Surface Transportation Board take into consideration this community which, has expressed concern over the development at this property at this time. Whereas recent developments have put this property under the consideration of the EPA National Priority List of highly contaminated sites, we wish the Surface Transportation Board take pause to consider the No-Action alternative so that the investigation of the entire site and property can be properly analyzed by the EPA and thereafter, proper recommendations can be made for future redevelopment.

On behalf of the community representing citizens from Wilmington and Woburn, I wish to thank you for the opportunity to participate in this decision about a proposed activity that will adversely affect our environment and/or the health of the public. It is my hope that our concerns and contributions will have meaningful consideration.

Respectfully yours,


Kathleen M. Barry,
Concerned Citizens Network
President

CC:

The Honorable Edward M. Kennedy, US Senate
The Honorable John F. Kerry, US Senate
The Honorable John Tierney, US House of Representatives
The Honorable Edward Markey, US House of Representatives
The Honorable James Miceli, MA House of Representatives
The Honorable Carol Donovan, MA House of Representatives
The Honorable Jay Kaufman, MA House of Representatives
The Honorable Charles Murphy, MA House of Representatives
The Honorable Bruce Tarr, MA Senate
The Honorable Robert Havern, MA Senate
Michael Cairn, Wilmington Town Manager
John Curran, Woburn Mayor
The Wilmington Board of Selectman
The Woburn City Council
Ellen Roy Herzfelder, Secretary EOEa



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

MITT ROMNEY
Governor
KERRY HEALEY
Lieutenant Governor

ELLEN ROY HERZFELDER
Secretary
ROBERT W. GOLLEDGE, Jr.
Commissioner

August 30, 2004

Ms. Phillis Johnson-Ball
Case Control Unit
Surface Transportation Board
1925 K Street NW
Washington, D.C. 20423

RE: Wilmington, Massachusetts
Eames Street Development Project
Environmental Comments
Finance Docket No. 34391

Dear Ms. Johnson-Ball,

The Massachusetts Department of Environmental Protection (DEP) has reviewed the document entitled "Environmental Assessment, New England Transrail, LLC, d/b/a Wilmington and Woburn Terminal Railroad Co. - Construction, Acquisition, and Operation Exemption - in Wilmington and Woburn, MA." The document is dated August 4, 2004, and was completed by the Surface Transportation Board's Section of Environmental Analysis (STB) to meet the Board's obligation under the National Environmental Policy Act. The goal of the environmental assessment is to identify and evaluate the potential direct, indirect, and cumulative environmental impacts of the proposed action, in order to determine if New England Transrail (NET) qualifies for an exemption from the formal application procedures of 49 U.S.C. 10901, which would otherwise require the completion of a full Environmental Impact Statement. NET wants the exemption in order to operate a truck-to-rail reload facility at 51 Eames Street in Wilmington, MA, which is presently owned by the Olin Corporation, and formerly operated as a chemical plant. DEP reviewed this document only as it relates to the Construction Release Abatement Measure (RAM) that is currently underway at the property located at 51 Eames Street in Wilmington, MA.

Environmental Assessment as it relates to the Construction RAM

The STB provides a summary of the status of the Construction RAM, and correctly points out that for redevelopment of property in contaminated areas, a condition of "no significant risk" as defined in the Massachusetts Contingency Plan must be obtained, for future developers/workers/occupants of the property. Prior to development of the property, Olin must submit a Construction RAM Completion Report to DEP. The remediation activity on the Olin property remains the obligation of Olin Chemical, and according to the STB report, NET is bound by contract not to impede that work in any way. NET explains in its petition that if it were to impede the remediation work or add to the environmental problems at the Olin property, NET would join with Olin as a responsible party for remediation costs to clean up the property.

DEP Review and Construction RAM Update

DEP agrees with the STB's analysis of the Construction RAM portion of the Environmental Assessment. Olin Chemical is in the process of completing the Construction RAM to make the property suitable for redevelopment in accordance with guidance provided in DEP's Policy No. WSC-00-425 "Construction of Buildings in Contaminated Areas." It is important to note that DEP's review of the RAM was focused to ensure only that there would be no significant risk to future developers/workers/occupants of the property. DEP did not consider the RAM Plan to be a Remedial Action Plan for the entire site, which will be required by the Massachusetts Contingency Plan. Any potential purchaser/developer of the property should be aware that DEP may potentially require further remedial actions in the future to achieve a Response Action Outcome for any portion of the property. Any potential purchaser/developer should also be aware that DEP has initiated the process for listing of the Olin Chemical Site with the Environmental Protection Agency as a National Priorities List site.

The Construction RAM is still underway. Prior to property development the following additional activities must be completed to fulfill DEP's approval requirements for the Construction RAM:

- There are some additional contaminants of concern that are being investigated at the Olin site that were not evaluated in the original Construction RAM. These include N-nitrosodimethylamine (NDMA), formaldehyde, and hydrazine. Evaluation reports completed for the Construction RAM, as required by DEP Policy No. WSC-00-425 Construction of Buildings in Contaminated Areas, must be updated to include these chemicals. The Focused Site Characterization must be updated to define the nature and degree of these contaminants within and adjacent to the areas proposed for development. The Focused Risk Assessment must be updated to adequately characterize the nature of risks to construction workers, surrounding populations, and future occupants from these chemicals. The Focused Feasibility Study must be updated to identify additional remedial actions, if necessary, to eliminate unacceptable risks to construction workers, surrounding populations, and/or future building or site occupants.
- DEP is presently working with the United States Environmental Protection Agency to determine if there are additional potential contaminants of concern at the Olin site. If additional contaminants of concern are identified, they must also be included in the updated Focused Site Characterization, Focused Risk Assessment, and Focused Feasibility Study.
- Potential human health risk due to ammonia contamination in soil was previously identified in the Lake Poly area and this soil was recently excavated. A report summarizing the results of this investigation has not yet been submitted to DEP for review. DEP must review and approve of this report prior to property development, to ensure that all soils which could present a risk to human health have been removed.
- If a building and/or buildings are constructed in the vicinity of Plant B, sufficient remedial actions must be implemented to achieve a level of no significant risk to construction workers, surrounding populations, and/or future building or site occupants. This is an area where volatile contaminants are present in the subsurface soils and groundwater.
- A construction RAM completion report must be submitted that documents that sufficient remedial actions have been completed so that a condition of "no significant risk" to future developers/workers/occupants at the property has been achieved.

DEP understands that NET is in the process of purchasing the 51 Eames Street property, and plans to develop it as a truck-to-rail reload facility. It should be noted that if contaminated soil and/or groundwater are expected to be encountered during property development, the proposed soil and groundwater monitoring and management plans for this development must be incorporated into a separate Construction Release Abatement Measure (RAM) Plan for approval prior to the initiation of those specific construction activities that may encounter contaminated media. The Construction RAM must comply with the applicable provisions of 310 CMR 40.0440. Additional guidance on the performance of construction related RAM activities is contained in DEP Policy No. WSC-00-425, Construction of Buildings in Contaminated Areas.

If you have any questions regarding this comment letter please contact Christopher Pyott at (617) 654-6654 or at the letterhead address.

Very truly yours,

Christopher Pyott
Christopher Pyott
Environmental Analyst
Site Management

Stephen M. Johnson
Stephen Johnson
Section Chief
Site Management

cc via e-mail:
Wilmington, Chairman of the Community Advisory Panel, Attn: Jeff Hull
Wilmington Conservation Commission, Attn: Robert J. Douglas
Wilmington Board of Health, Attn: Greg Erickson
Wilmington Water Department, Attn: Mike Woods
Geolinsight, Inc., 319 Littleton Road, Suite 100, Westford, MA 01886, Attn: Michael Webster
Jack Fralick, Board of Health, City Hall, 10 Common Street, Woburn, MA 01801
DEP/NERO/Water Supply, Attn: Jim Persky
DEP/Boston/Legislative Liaison: Marc LaPlante
Olin Corporation, P.O. Box 248, Charleston, TN 37310
Attn: Stephen Morrow
Sleeman, Hanley & DeNitto, 50 Congress Street, Boston, MA 02109
Attn: Margaret Hanley
MACTEC Engineering and Consulting, 107 Audubon Road, Wakefield, MA 01880
Attn: Michael Murphy
Foley, Hoag & Eliot LLP, 155 Seaport Boulevard, Boston, MA 02210
Attn: Laurie Burt
Kathleen & Winifred Barry, 14 Powder House Circle, Wilmington, MA 01887
Senator Bruce Tarr, Room 507, State House, Boston, MA 02133
Rep. James Miceli, Room 167, State House, Boston, MA 02133
Rep. Charles Murphy, Room 166, State House, Boston, MA 02133
Rep. Carol Donovan, Room 473-B, State House, Boston, MA 02133

cc via mail:
DEP/Data Management: C&E/INTLET
Chairman, Board of Selectmen, 121 Glen Road, Wilmington, MA 01887
Mayor John Curran, City Hall, 10 Common Street, Woburn, MA 01801
Public Library, 175 Middlesex Avenue, Wilmington, MA 01887
Attn: Olin Site Repository

Ms. Phillips-Johnson - Call.
Environmental Comments.
Finance Docket No. 34391

August 27, 2004
Kevin Patricia Kane
8 Henry Ave
Woburn, MA 01801

Case Context Unit - Surface Transportation Board.

To Whom it may concern,
As a resident of Woburn, and a family involved in the parkland matters of Wells & H. causing my son's leukemia which led to the movie "Civil Action". I am writing to tell you we are opposed to the New England Transpak of New Jersey building a station that will transfer nonhazardous liquid chemicals and waste, contaminated soils, cement etc from freight trains to large trucks. Basically a regional transfer station on rail!!

This site would be an Olin Chemical site on Eames St in Wilmington, MA (which borders directly to NORTH WOBURN).

We are against this proposal due to the noise, trucks, emissions and contaminant handling it will produce.

Thank you!
Kevin Patricia Kane

127 Washington St
Woburn MA 01801
August 30, 2004

RE: Oppose Olin Plan
Docket No. 34391

I am against this proposal due to the noise, trucks, emissions and contaminant handling it will produce. For the health, safety and welfare of the residents in the communities of Woburn as well as Wilmington, take into affect the human environment!

Sincerely,
Mary V. Carpenter

Ms. Phillis Johnson-Ball
Case Control Unit
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423



Re: ENVIRONMENTAL COMMENTS, FINANCE DOCKET
No. 34391

Dear Ms. Johnson-Ball,

August 31, 2004

In the 32 years I have lived in Wilmington, I have never known such opposition to a single project from every level. We are outraged that despite several meetings you continue to steam roll this project.

We could discuss the lofty principle of Environmental Justice, that people in the area have already been subjected to too much.

We could discuss your use of the outdated past history of the site where four years ago - long before the extent of the contamination had been documented - our Board of Appeals authorized a bottling company. Armed with current data, I am absolutely certain this bottling company would not have been allowed. Certainly the recent transfer of the Olin property to the EPA's National Priority List lends credence to the tremendous challenge that faces us. Surely the Los Vegas study of contaminants in the effluent needs more scrutiny.

The Olin property is at a water divide which sends water south to Woburn during times of high water and north to Wilmington during average water levels. Both Towns are affected by this site.

We could discuss the loss of 5 wells because of the Olin property contamination and the loss of three million dollars each year in revenue from the sale of water. We now have to buy water which is reimbursed by Olin at cost only - no thought is given to maintenance costs.

We could discuss the ongoing State Board of Health study of elevated cancer rates in children and probably adults. These results should be ready this fall.

The Olin property lies on top of a major aquifer - underground rivers flow carrying 'Chemicals of Concern' with them. No amount of tarmack or roofing can diminish the underground flow significantly. This site needs to be cleaned up - it is expensive but it can be done - it is not impossible. Perhaps the fact that several companies are responsible may increase the available financial resources. No project which carries the potential of increasing the contamination and disruption should be allowed.

I believe that the current property should be used to remove the contaminants from the area. In fact Lake Poly is being excavated and carted away. Perhaps the clean up could occur there. Certainly it should not be sold. I feel it is irresponsible of Olin to take this course of action.

When a governmental agency such as yours feels that they know better than the citizens of the Town, it is a sorry state of affairs and needs to be fought at every level including whether the STB should be abolished. Unfortunately the cost to the Town to do so adds another dimension in tight fiscal times. I suspect it will be resolved in court.

Sincerely,

Betty M. Bigwood, MD
300 Chestnut St
Wilmington, Ma 01887

BMB

DEAR MS. PHILLIS JOHNSON-BALL:

E1
1013

I AM AGAINST THIS
PROPOSAL DUE TO THE NOISE,
TRUCKS, EMISSIONS, AND
CONTAMINANT HANDLING IT WILL
PRODUCE. PLUS OUR LITTLE
CITY HAS DONE SUCH A
GREAT JOB OF CLEANING UP
OUR ENVIRONMENTAL PROBLEMS,
WE NEED A BREAK FROM
ANY FUTURE SPILLS.

SINCERELY

Michael G. McGrath

MICHAEL G. MCGRATH
9 PHOEBUS LANE
WOBBURN, MA 01801

August 27, 2004

Case Control Unit
Surface Transportation Board
1925 K Street NW
Washington, D.C. 20423
Attention: Ms. Phillis Johnson-Ball

Re: Environmental Assessment Finance Docket No. 34391
New England Transrail, LLC, d/b/a Wilmington and Woburn Terminal Railroad
Co. - Construction, Acquisition, and Operation Exemption - in Wilmington and Woburn, MA

In reading this report I find very disturbing that you have many of your facts incorrect.

1) You neglected to attach other comment letters that I am aware of that were submitted.

2) There was a petition letter that over 200 people submitted individually, and you also neglected to list their names and addresses of those persons that should be recognized as submitting. Because of your neglect this Environmental Assessment is incomplete!

3) The inability to read the Environmental Assessment as stated in your report on Page ES-17. "This EA is also available on the Board's website"

4) Where does this Railroad Company "trash train" start from and what cities and towns does it travel through and to what destination(s). There is no mention of this in any reports that I have read thus far.

5) Page 3-5 again your facts are wrong. The Veterans Memorial School is no longer a school. It is a Senior Center and Day Care Center. The nearest school is the Altvesta Elementary School (not mentioned in your report) of which is located on Main Street (Rt. 38) in N. Woburn of which is closer than the so called Veterans Memorial School.

6) The residents have a right to participate in the decision-making. There have been NO public meetings with New England Transrail, LLC as perceived in this report. New England Transrail, LLC is not working with the potentially affected residents in the communities of Woburn and Wilmington.

I am requesting that due to the above, an extension of this report for comment be made AND a public meeting be held for participation of both communities with New England Transrail, LLC before ANY decisions are made.

Sincerely,
Ann Bisso
9 Lydon Court
Woburn, MA 01801

E1
1014
BB

Woburn Neighborhood Association, Inc.

Linda A Raymond
10 North Maple Street
Woburn MA 01801-1407
www.woburnneighborhood.com

(781) 935-2438

Email fitwalker1@aol.com

August 21, 2004

Case Control Unit
Surface Transportation Board
1925 K Street NW
Washington, D.C. 20423
Attention: Ms. Phyllis Johnson-Ball

Re: Environmental Assessment Finance Docket No. 34391

New England Transrail, LLC, d/b/a Wilmington and Woburn Terminal Railroad Co. - Construction, Acquisition, and Operation Exemption - in Wilmington and Woburn, MA

We the Woburn Neighborhood Association, Inc. would like to state the following environmental comments in response to Docket No. 34391. It is evident from reading this report that both New England Transrail, LLC and the Surface Transportation Board has not taken seriously into consideration the human environment of the surrounding neighborhoods of the Olin Site, 51 Eames Street, Wilmington, MA.

The quality of life of the residents surrounding this site will be altered forever. This is not improvement! This is another environmental disaster to both communities!

Contamination knows no boundary and whether it is historic, present or the future, New England Transrail, LLC will be adding insult to injury! And by the approval of the Surface Transportation Board they are to blame as well.

1) Diesel Exhaust

It is a basic fact that diesel exhaust is offensive to smell, and from health documentation can cause such health problems as, irritation of the eyes, and irritation of the respiratory tract. Diesel exhaust is also listed as a human carcinogen by the U.S. Environmental Protection Agency. This alone will contribute to contamination of the air we breathe not taking into account the great possibility of spills into the air, ground and water. I along with many residents live within a 1/4 mile of the Olin Site.

7) Regulation

The Surface Transportation Board is known for regulation of moving material and not what is moved by New England Transrail, LLC. If this is in fact true, then who is responsible for the regulation for what New England Transrail, LLC intends to move into our neighborhoods that has a great possibility to contaminate the soils, water and air that we breathe. These are precious commodities that cannot be substituted nor replaced. The quality of life is in jeopardy here for many.

The Woburn Neighborhood Association, Inc. who is represented by over 350 residents is stating for the record that we are opposed to New England Transrail, LLC operation at the Olin Site on 51 Eames Street, Wilmington, MA.

For the health, safety and welfare of the residents in the communities of Woburn as well as Wilmington, take into affect the human environment! It is we who live here you don't!

Sincerely,

Linda A. Raymond
Linda A. Raymond
Co-Chairman
Woburn Neighborhood Association, Inc.

Cc:

Woburn Mayor John Curran
State Representative, Carol Donovan
State Representative, James Miceli
State Representative, Jay Kaufman
Woburn Board of Health Director, Jack Fralick
Alderman, John Ciriello
Woburn City Council Chairman, Paul Medeiros
Chairman Wilmington Town Council
Senator John Tierney
Senator Edward Markey
Senator Edward Kennedy
Senator John Kerry
Ellen Roy Herzfelder, Secretary BOEA
Kathleen Barry, President Concerned Citizens Network
Members Wilmington-Woburn Collaborative
Members Woburn Neighborhood Association, Inc.
Members Aberjona Study Coalition, Inc.
Members Concerned Citizens Network
Members T.O.X.I.C.
Members Mystic River Watershed Association
Members Woburn Residents Environmental Network



2) Commodities

New England Transrail, LLC changes the description of commodities in every report that has been published to date. Page ES-4 ES3.1.3. A variety of commodities, including... This opens the door to whatever New England Transrail, LLC chooses to handle. The key to the kingdom so to speak. New England Transrail, LLC has now added Propane. What next?

3) Page ES-15 Community Relations

New England Transrail, LLC states that they will establish a Community Liaison with local agencies and officials. Here again is proof that New England Transrail, LLC is leaving out the surrounding residents. It is the residents that live and breath, drink the water, and hear the noise that New England Transrail, LLC will be polluting. And it is the residents to whom this environmental injustice is affecting.

4) Page 3-17 Environmental Justice

In your description quoting the U.S. Environmental Protection Agency (USEPA) you left out an important description on Environmental Justice as stated by the USEPA on their website: Fair Treatment means that no group of people, including a racial, ethnic, or a socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.

New England Transrail, LLC as well as the Surface Transportation Board both need to re-examine issues related to its actions.

5) Page 4-16 4.8.2 Impact of Implementation of the Proposed Action on Human health and The Environment

"Conclusions regarding the risks to human health and the environment, based on Olin's previous characterization and assessment of the conditions at the proposed project site" It is very troublesome to read that based on the Olin Corporation (New England Transrail, LLC is intending to purchase from) New England Transrail, LLC is allowed to rely on the sellers Risk Assessment? Ever hear of the saying those who test, control the results? No faith, No trust. An independent party is needed here before any further decisions are to be made.

6) East Ditch

One of our primary concerns that are not mentioned in the report is the East Ditch of the Olin Site. The proposed New England Transrail, LLC railroad track expansion to accommodate the development will have a significant impact on the toxic chemicals that are present in the East Ditch. What impact will this have on the residents of Woburn? As stated by the DEP in their Phase II Report there are chemicals of concern that are entering Halls Brook that flows into the Aberjona River. New England Transrail, LLC will possibly add contamination to this site. What impact will this have on the communities that border the Aberjona River?



Town of Reading
16 Lowell Street
Reading, MA 01867-2685

FAX: (781) 942-9071
Email: townmanager@ci.reading.ma.us

TOWN MANAGER
(781) 942-9043

August 26, 2004

Case Control Units
Service Transportation Board
1925 K Street NW
Washington, D.C. 20423

Attn: Ms. Phyllis Johnson - Ball: Environmental Comments Finance Docket #34391

Re: New England Transrail LLC Environmental Assessment Seeking to Establish a Class 3 Rail Carrier and Construction of a Bulk Reload Center at 51 Eames Street, Wilmington, MA 01887

Dear Ms. Johnson-Ball:

The Town of Reading has just become aware of a proposal to build the New England Transrail Facility on Eames Street in Wilmington. We became aware of this proposal on August 24, 2004. Because of the short time frame, we have not had a chance to fully review the environmental assessment and other documentation.

Activities in this part of Wilmington/Woburn as we know from direct experience related to the Woburn Superfund Site, can have a direct impact on the Town of Reading. Therefore, we request a 60 day extension of the comment period on this project so that Reading may fully review the proposal and its impact on this community. If we finish our review earlier than that 60 days, we would be happy to have the comment period shortened accordingly.

Thank you for your consideration. You may reach me at the above phone number or email address.

Sincerely,

Peter I. Heckenbleikner
Peter I. Heckenbleikner
Town Manager

PIH/ps
cc: Senator Kennedy
Senator Kerry
Representative Tierney
Representative Brad Jones
Representative Carol Donovan
Senator Richard Tisei
Mayor John Curran
Town Manager Mike Cairn in Wilmington
Reading Board of Selectmen



W.W.C.

Wilmington-Woburn Collaborative
14 Powder House Circle
Wilmington, MA 01887

September 14, 2004

RECEIVED
SEP 16 2004
M.L. MANAGEMENT
SIS

Case Control Unit
Surface Transportation Board
1925 K Street NW
Washington, D.C. 20423
ATTN: Ms. Phillis Johnson-Ball

New England Transrail, LLC d/b/a/ Wilmington and Woburn and Woburn Terminal
Railroad Co. Construction, Acquisition and Operation Exemption

RE: Environmental Comments, Finance Docket No. 34391

The Wilmington-Woburn Collaborative (WWC) is an organization with combined memberships of the Concerned Citizens Network of Wilmington, the Woburn Neighborhood Association, Inc. of Woburn, and individuals of both communities who have been concerned and extensively involved in the Olin Chemical Corporation's 51 Eames Street property and its long history of contamination and migratory chemical impacts to two major watersheds, the Ipswich and Aberjona.

We are profoundly disappointed in the Surface Transportation Board (STB) Section of Environmental Analyses (SEA) in their decision to grant a conditional exemption to New England Transrail without a full Environmental Impact Review and investigation.

The WWC wishes that the Surface Transportation Board defer to the environmental experts, the local officials of the Town of Wilmington and the City of Woburn, our State and Federal officials by evoking the "No-Action Alternative" and allow for a thorough and complete investigation of the property/site so that a proper characterization can be determined for the appropriateness of redevelopment in the future.

The concerned citizens of Wilmington and Woburn filed letters last year opposing this project. (see attachment) Many of the detailed concerns were not addressed in the SEA's Environmental Assessment. The EA did little to quell the anxiety of the region. It dismissed the community by

- Falsely and haphazardly interpreting Environmental Justice,
- Sparsely evaluating the cumulative air quality issues of the region,
- Ignoring recent trends and reports that there is more to the contamination and its impact on the community than those presented by the applicant and property owner,

- Not considering the poor infrastructure and roadways which can not support a project of this magnitude, and
- Continuing to evoke that this is a non-residential area.

The fact that these, and many other concerns of the public fell on deaf ears has further ignited a public campaign to oppose this project from every angle and from every level. All of the arguments made by the environmental experts, officials and the public deserve your attention and it is un-excusable that each area of concern was not researched fully. I would submit to you, if such a comprehensive examination and study of this property was done properly, one could only conclude that this property and site is incompatible for this company and its operation would further imperil the community, its environment and health. Formidable arguments have been made regarding the potential exacerbation of the present contamination issues should an accident occur; truck traffic and the inadequate infrastructure which exists presently to accommodate the proposed number of deliveries on and off the property, including the ill-prepared emergency response team mechanisms which are not in place regionally. Area town response teams, including Reading and Stoneham along with Wilmington and Woburn have appropriate concerns when taking into account the existing and problem-some clover leaf (Rt93/Rt95) entrance and exit ramps.

Recent events and ongoing efforts of contamination discovery prove that the property and site has been ineffectually evaluated and determinations and decisions made on submittals by Olin and their investigators and/or via New England Transrail must be considered arbitrary and incomplete. It has been the WWC's contention that the property's owners and their consultants have not adequately characterized the property and site. The Environmental Analysis speaks of groundwater contamination in terms of old data sets and speaks of the DAPL and four or five contaminants of concern. The DEP of Massachusetts has solicited for a full analysis of the characteristics of the aquifer from the US EPA. The EPA laboratory from Nevada has issued an interim report detailing approximately 64 chemicals of concern and over 100 chemical compounds yet to be determined. (see attachment)

The Environmental Analysis speaks of the ongoing relations with the Massachusetts DEP and the cleanup efforts enforced under the Massachusetts Contingency Plan. This relationship however is in transition due to the failure of the present owners to comply effectively with a timely cleanup effort. According, the MADEP, it has notified the US EPA of its desire to list the Olin property with the National Priority Listing for Superfund sites stating that the "listing is the best way to ensure the most effective cleanup technologies available are applied in a timely manner to remediate the Olin site, in light of the complexity, cost and resources that will be necessary to complete the project." (see attachment)

It is the disputation of the members of the WWC that any redevelopment at this time is premature. We feel that this particular site use as determined by New England Transrail and supported by comments within the Environmental Assessment will aggravate present conditions. We echo our federal representatives in their statement that "Any

redevelopment of the Olin site must be deferred until the full extent of the existing contamination has been determined and a comprehensive and timely remediation plan is in place." (see attachment)

This project is offensive to the members of three impacted communities who have strongly evoked Environmental Justice protection. We urge the Surface Transportation board to reject the recommendation of the Section of Environmental Analysis and insist that before any redevelopment project goes forward on this property, all environmental issues be completely and comprehensively analyzed. We suggest that any approvals granted for construction and thus disruption of the present and existing property, prior to EPA's analysis and input would be divergent to their work and investigation.

Sincerely,

Kathleen M. Barry
Kathleen M. Barry
Chair,
Wilmington-Woburn Collaborative

Enclosures:

Interim Report: Study of Organic Chemical Compounds Present in Water Samples from the Town of Wilmington's Maple Meadow Brook Aquifer Study Area—EPA Nevada (April 2004)
US Congressional Letter to Case Control Unit, STB (September 2004)
MA DEP Letter to US EPA (Stephen Johnson-Section Chief, Site Management)
CCN letter to Neil Sullivan (Kathleen Barry, President CCN-October 2003)

Cc:

The Honorable Edward M. Kennedy, US Senate
The Honorable John F. Kerry, US Senate
The Honorable John Tierney, US House of Representatives
The Honorable Edward Markey, US House of Representatives
The Honorable James Miceli, MA House of Representatives
The Honorable Carol Donovan, MA House of Representatives
The Honorable Jay Kaufman, MA House of Representatives
The Honorable Charles Murphy, MA House of Representatives
The Honorable Bruce Tarr, MA Senate
The Honorable Robert Havern, MA Senate
Michael Cairn, Wilmington Town Manager
John Curran, Woburn Mayor
The Wilmington Board of Selectman
The Woburn City Council
Ellen Roy Herzfelder, Secretary EOEa

Charles M. Vaughn
29 North Maple Street
Woburn, Massachusetts 01801-1404
617-791-4757

September 1, 2004

Ms. Phillis Johnson-Ball
Environmental Comments, Finance Docket No. 34391
Case Control Unit, Surface Transportation Board
Section on Environmental Analysis
1925 K Street NW
Washington, DC 20423

Dear Ms. Johnson-Ball:

I am registering my opposition to the proposed plan by New England Transrail of New Jersey to build a rail-to-truck transfer station on the site of the former Olin Chemical site on Eames Street in Wilmington, Mass. The basis of this opposition is the generation of noise, the 18 wheeler truck traffic, unwanted emissions, and escape of contaminated material from this operation into our residential area in the towns of Woburn and Wilmington.

I trust you will take into consideration our well being and our pursuit of the peaceful enjoyment of our homes in this area when deliberating the authorization of this proposal.

Sincerely yours,

Charles M. Vaughn
Charles M. Vaughn



The Commonwealth of Massachusetts
House of Representatives
State House, Boston 02133-1054

REP. CAROL A. DONOVAN
30TH MIDDLESEX DISTRICT
ROOM 473-B, STATE HOUSE
TEL (617) 722-2283
FAX (617) 722-2817
E-Mail: Rep.CarolDonovan@house.state.ma.us

Committee:
Energy
Personnel and Administration
Treasurer:
Massachusetts Caucus of Women Legislators
Member:
Children's Caucus
Legislative Caucus on Older Citizens' Concerns
House Committee on Foster Care
Massachusetts Water Resources Authority Caucus

August 25, 2004



Case Control Unit
Surface Transportation Board
1925K Street NW
Washington, D.C. 20423
Attention: Ms. Phillis Johnson-Ball

RE: Environmental Assessment Finance Docket
New England Transrail, LLC, d/b/a Wilmington and Woburn Terminal Railroad
Co. - Construction, Acquisition and Operation Exemption - in Wilmington and Woburn, MA

Dear Ms. Johnson-Ball:

I am writing to add my comments concerning the possible sale of 51 Eames Street in Wilmington by Olin Chemical Corporation to New England Transrail. As the State Representative for the City of Woburn, I have been privileged with significant information on this matter that has caused me grave concern. As such, I am strongly urging that all pending actions toward the sale of the Olin Corporation site cease until the corporation has completely satisfied their environmental responsibility of removing any and all contaminants and restoring the site to its natural habitat.

The Olin site has had over sixty years of chemical contamination due to several chemical companies dumping various chemical agents into unlined lagoons. Currently, there is a plume that has threatened the Town of Wilmington's drinking water system, which has required the town to be granted permanent emergency hookup to the Massachusetts Water Resources Authority water supply system. The plume is also threatening the Hall's Brook aquifer in Woburn and thus the entire Aberjona River watershed area. The further contamination of the Aberjona River watershed area will send contaminants downriver into the broader Mystic River watershed and eventually

into the Boston Harbor. This fact makes the problems at the Olin site far larger and more hazardous to the public's health and safety than they have been treated to date.

The plan proposed by New England Transrail (NET) brings to light numerous concerns as to the future of the Olin site. Once the property has been sufficiently cleaned according to the Massachusetts Department of Environmental Protection, it can not be simply sold to anyone who is willing to buy it. NET is looking to use the Olin site as a regional rail and truck transfer station. In its application, NET stated that it intended to transport "chemical products (non-hazardous; non-explosive), construction debris, contaminated soils, liquids (non-hazardous; non-explosive), non-hazardous waste, propane, road salt..." Also the report states that the transportation of hazardous material is "not expected ... at the re-load site." Any transportation of materials would need to be closely monitored. That area is too fragile and compromised to be able to handle such transportation or handling of the above materials.

Though NET's application states that the company intends to use railways for much of its transportation, the estimated amount of trucking from the site is a serious concern. While two hundred local truck trips per day is half of the total needed if a railway were not implemented, that number is still too high for the area of Eames Street. It would be necessary for all trucks leaving that site to take Route 38 or Route 129 to get to either Interstates 95 or 93. Route 38 and Route 129 are two lane roads that are heavily traveled through both Wilmington and Woburn. The addition of two hundred truck trips per day would not only detrimentally effect local traffic and roads, but also the standard of living for the residents and commuters of both towns.

In 2000, the Wilmington Planning Board approved a site plan for Olin Corporation which planned on the site holding a warehouse that would store and distribute beer and wine. That plan was approved due to the low impact it would have on the area. The current plan needs to be evaluated solely on its own merits and not on the pre-approval from the plan in 2000. In view of the fact that the existing plan presented by NET includes the handling and transportation of questionable materials and the current state of the compromised site, I have the utmost confidence that the Surface Transportation Board will not allow an exemption on this proposal.

I trust that these comments will be considered with all due seriousness and swiftness. I thank you for the opportunity to participate in this process and look forward to your positive response. If I may provide any additional information on this matter, please do not hesitate to contact my office.

Sincerely yours,

Carol A. Donovan
Carol A. Donovan
State Representative

CAD/cb

HOUSE OF REPRESENTATIVES

REPRESENTATIVE CAROL A. DONOVAN
STATE HOUSE

BOSTON, MA 02133-1054

August 27, 2004

Attn: Ms. Phillis Johnson-Ball
Environmental Comments
Finance Docket No. 20423

Upon approving the Olin Plan
due to the river, trucks, emissions
and contaminant handling, it will
produce

Enough is enough -

Sincerely

Phyllis and Carol Mays

15 Cottage St.
W. Woburn, Ma.
01801

I am against this
proposal due to the noise -
TRUCKS - EMISSIONS and
CONTAMINANT HANDLING it
WILL PRODUCE.

William Country
Woburn Resident

The best and most beautiful things in the world cannot be seen or even touched. They must be felt within the heart.

August 30, 2004

Ms. Lisa Madon,

I am strongly opposed to the proposed Trans Rail to build a transfer station in Wilmington, Mass. on the site of the Olin Chemical Company. The noise and emission from trucks will be very harmful for residents of North Woburn, and Wilmington. This area has many people over 65 living here.

Please consider the health hazards of such a project.

Rosemary Stegals
5 Spring Garden Terrace
Woburn, Mass 01801
National Federation of the Blind

Ms. Phillis Johnson - Ball

I am against this proposal due to the noise, trucks, emissions and contamination handling it will produce.

We are in a very fragile area that has much contamination in this area affecting our drinking water. Please Consider.

Sincerely,
Francis M. Harack



"Pamphlet Sailor"
W.H.H.



E1
1024
RPS

8-27-04
J.W. Dettmer
N. Woburn, Mass.

North Woburn residents are against this proposal due to noise of trucks, emissions, and contamination handling it will produce.

Thank you

M. Caldwell

Joyce A. Russis
29 North Maple Street
Woburn, MA 01801-1404
781-938-0737

September 1, 2004

Ms. Phillis Johnson-Ball
Environmental Comments, Finance Docket No. 34391
Case Control Unit, Surface Transportation Board
Section on Environmental Analysis
1925 K Street NW
Washington, DC 20423

Dear Ms. Johnson-Ball:

I am registering my opposition to the proposed plan by New England Transrail of New Jersey to build a rail-to-truck transfer station on the site of the former Olin Chemical Site on Eames Street in Wilmington, Mass. The risk of health and safety to the residents of the Wilmington, Woburn, Stoneham, and Reading communities in the immediate area will be severe and can become catastrophic. You may not be aware of the fact that the proposed transfer station will be accessed by one of the states' worst highway intersections, known as Interstate 95 and State Route 93 Interchange. In the past two years we have had to cope with two high-level safety risk accidents involving chemically explosive trucks at this interchange. On both occasions the City of Woburn had to close down schools in the entire city, depose emergency equipment and shut down the two highways for a few miles.

The City of Woburn is approximately 12 miles north of downtown Boston and has a dense residential population.

The Olin site is a superfund site that is still in the process of clean up under Federal EPA demand.

The basis of this opposition is the escape of contaminated material into highly dense residential neighborhoods in both the City of Woburn and the Town of Wilmington having a catastrophic effect on the health and safety,



the generation of noise, and the 18-wheeler truck traffic and their detrimental emissions into the air.

I hope you will take into consideration our well-being and our pursuit of the peaceful enjoyment of our homes in this area when deliberating the authorization of this proposal.

Sincerely yours,

Joyce A. Russis
Joyce A. Russis

448 Shawsheen Avenue
Wilmington, MA 01887

August 27, 2004

Phillis Johnson-Ball
Environmental Project Manager
Surface Transportation Board
1925 K Street, NW
Suite 500
Washington, D.C., 20423

Re: Environmental Assessment dated 8/4/04, Finance Docket No. 34391

Dear Ms. Johnson Ball:

This is a second commentary regarding the above-referenced project, New England Transrail, LLC, etc.

The first disagreement with your assessment relates to the traffic impact. With the anticipated 400 truck trips per day, causing an increase of 50 thirty-foot or 18 wheeler trucks hourly through a neighborhood with residential housing, that's a negative impact. That's almost 1 more truck per minute, using a 8-hour day. Even with a 24-hour day, we're looking at a minimum of 17 trucks, or 1 every 3 minutes. It cannot be said this is not a negative impact. The proponent is suggesting the immediate number for truck trips will be at a increased truck trip every 2.5 minutes or every 7.2 minutes. This is unacceptable for those who live or work in that neighborhood.

This route that will be mandated runs right through a very busy retail center, affecting the use by residents, raising the specter of a cost to this business center.

In addition, a block from Woburn Street, toward Route 93, West-Lowell Street, part of the mandated route, there is an approved project for 2 office building projects, increasing traffic significantly on their own at a sight that is a failure today. New England Transit is offering no mitigation dollars to this sight. They will be crippling the intersection.

The site is a contaminated site. Given the nature of the business proposed, New England Transrail will create more opportunities for accidents, both mechanical and human. This site has created concerns related to the health of our present and future residents and decreased confidence in the safety of the water supply for a region. The statements regarding the training of staff are not sufficient to raise the confidence of the users of this watershed. It was after all human fallibility that brought contamination through chemicals to the water supply. I'm sure that staff was well trained, as well.

Approval by regulatory agencies of this proposal is an act of negligence to the abutters and for the watershed users. This must be rejected as unacceptable for the neighborhood.

Sincerely,

Ann L. Yurek
Ann L. Yurek
448 Shawsheen Avenue
Wilmington, MA 01887

65 Mishawum Road
Woburn, MA. 01801
August 30, 2004

Case Control Unit
Surface Transportation Board
Environmental Analysis
1925 K Street
Washington, D.C. 20423

Dear Ms. Phillis-Johnson-Ball

RE: finance docket 34391
I would like to register my rejection of this proposal.

Woburn doesn't need any more proposals, recommendations, suggestions that are harmful to the City; we are inundated with them.

Tax revenues are necessary and helpful, but not at the cost of peace and quiet. That's where Woburn is right now, i.e., there is so much traffic now that we locals have to pick the right time to go shopping, all in the name of Progress. What a joke, who's progress?

So...again please reject the 34391 and many thanks for your assistance.

Charles Gourlis
long time woburn resident.

DW DEUTSCH | WILLIAMS

Daniel R. Deutsch
ddeutsch@dwbboston.com

99 Summer Street
Boston, MA 02110-1213
617.951.2300
617.951.2323 fax

September 16, 2004

VIA FEDERAL EXPRESS

Case Control Unit
Surface Transportation Board
1925 K Street NW
Washington, DC 20423

ATTN: Ms. Phillis Johnson-Ball

RE: Finance Docket No. 34391

Dear Ms. Johnson-Ball:

As we discussed by telephone, I enclose for filing and docketing in the above-styled proceeding, the original and one copy of the following three attachments to the engineering report and comments which are being filed with you under separate cover by overnight mail today from GeoInsight, Inc. All other attachments are included with the GeoInsight report. That report also includes certification of service with regard to those materials.

The documents enclosed herewith are as follows:

- EAF submitted by New England Transrail, LLC ("NET") (5/10/03)
- Letter from Wilmington Town Counsel, Michael Newhouse, to NET, with enclosed comments (6/4/03)
- Petition to Stay Exemption with enclosures (6/25/03)

Upon receipt, please include the enclosed materials with the report and related documents which you receive from GeoInsight.

Thank you for your assistance with this matter. Please do not hesitate to contact us with any questions you may have.

Very truly yours,

[Signature]
Daniel R. Deutsch

DRD/lsc
Enclosures

cc: Service List
John Gilbert, PE, GeoInsight, Inc.
Town of Wilmington, ATTN: Michael Caira, Town Manager
Paul R. DeRensis, Esq.

DWLIB 167117v1
7605/00

C.C.N.
Concerned Citizens Network

14 Powder House Circle
Wilmington, MA 01887
978 658-7754



Ms. Phillis Johnson-Ball
Case Control Unit
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423

September 15, 2004

Re: Environmental Comments, Finance Docket No. 34391

Dear Ms. Johnson-Ball,

Enclosed are letters signed as a petition and as an expression of opposition to the Section of Environmental Analysis of the Surface Transportation Board's decision to grant a conditional exemption to New England Transrail, LLC, dba Wilmington and Woburn Terminal Railroad Co. for construction, acquisition and operation in Wilmington and Woburn, Massachusetts.

These residents ask that the Surface Transportation Board take into consideration this community which, has expressed concern over the development at this property at this time. Whereas recent developments have put this property under the consideration of the EPA National Priority List of highly contaminated sites, we wish the Surface Transportation Board take pause to consider the No-Action alternative so that the investigation of the entire site and property can be properly analyzed by the EPA and thereafter, proper recommendations can be made for future redevelopment.

On behalf of the community representing citizens from Wilmington and Woburn, I wish to thank you for the opportunity to participate in this decision about a proposed activity that will adversely affect our environment and/or the health of the public. It is my hope that our concerns and contributions will have meaningful consideration.

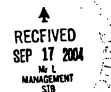
Respectfully yours,

[Signature]
Kathleen M. Barry
Concerned Citizens Network
President

CC:

The Honorable Edward M. Kennedy, US Senate
The Honorable John F. Kerry, US Senate
The Honorable John Tierney, US House of Representatives
The Honorable Edward Markey, US House of Representatives
The Honorable James Miceli, MA House of Representatives
The Honorable Carol Donovan, MA House of Representatives
The Honorable Jay Kaufman, MA House of Representatives
The Honorable Charles Murphy, MA House of Representatives
The Honorable Bruce Tarr, MA Senate
The Honorable Robert Haver, MA Senate
Michael Caira, Wilmington Town Manager
John Curran, Woburn Mayor
The Wilmington Board of Selectman
The Woburn City Council
Ellen Roy Herzfelder, Secretary EOE

Ms. Phillis Johnson-Ball
Case Control Unit
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423



August 27, 2004

Re: Environmental Comments, Finance Docket No. 34391

Dear Ms. Johnson-Ball,

Pursuant to the Section of Environmental Analysis (SEA) and its Environmental Analysis report on New England Transrail, LLC, dba Wilmington and Woburn Terminal Railroad Co.- Construction, Acquisition and Operation Exemption in Wilmington and Woburn, MA, this letter is being filed with your office in opposition of SEA's conditional exemption.

One has to wonder why the Surface Transportation Board would defy this region, its residents, its officials, its state and federal representation, of environmental justice with such indifference to the health and welfare of a community which is already over-burdened with contamination, and its negative effect on health and the surrounding environs. The EPA's definition of Environmental Justice is "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people.... should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies. Meaningful involvement means that: (1) potentially affected community residents have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) the concerns of all participants involved will be considered in the decision making process; and (4) the decision makers seek out and facilitate the involvement of those potentially affected." The SEA in their recommendation to conditionally approve this project along with the applicant have blatantly ignored the public and its officials.

The community of Woburn and Wilmington has a disproportionate number of negative environmental impacts and consequences. Woburn has two Superfund sites, one within a half-mile radius of the site. Wilmington borders Woburn, Tewksbury and Billerica and within a five mile radius of the Olin site there are four Superfund sites. There are two landfill projects within a half-mile from the site (one abuts the proposed property) which, have seen gross abundance of contaminated and hazardous material brought into this area and there are many other 21 E contaminated sites in both Wilmington and Woburn.

Ironically, Wilmington foresees a fifth Superfund site within its own border at this very site. We have a right to say "NO" to this project and the STB has the obligation to abide. The Massachusetts Department of Environmental Protection (MADEP) has asked the US Environmental Protection Agency to add the property in question, owned by Olin Chemical Corporation, to the federal list of Superfund sites citing inability to reach an agreement for aggressive and timely cleanup of the extensive groundwater contamination at the site. DEP states that it believes that this measure will best ensure the most effective cleanup technologies will be employed and applied in a timely manner considering the complexity, cost and resources necessary.